

AMENDMENTS TO LB 1055

Introduced by Cornett, 45.

1 1. Insert the following new sections:

2 Section 1. Section 28-101, Revised Statutes Supplement,
3 2007, is amended to read:

4 28-101 Sections 28-101 to 28-1350 and section 3 of this
5 act shall be known and may be cited as the Nebraska Criminal Code.

6 Sec. 2. Section 28-1008, Revised Statutes Supplement,
7 2007, is amended to read:

8 28-1008 For purposes of sections 28-1008 to 28-1017 and
9 section 3 of this act:

10 (1) Abandon means to leave any animal in one's care,
11 whether as owner or custodian, for any length of time without
12 making effective provision for its food, water, or other care as is
13 reasonably necessary for the animal's health;

14 (2) Animal means any vertebrate member of the animal
15 kingdom. The term does not include an uncaptured wild creature;

16 (3) Cruelly mistreat means to knowingly and intentionally
17 kill, maim, disfigure, torture, beat, mutilate, burn, scald, or
18 otherwise inflict harm upon any animal;

19 (4) Cruelly neglect means to fail to provide any animal
20 in one's care, whether as owner or custodian, with food, water, or
21 other care as is reasonably necessary for the animal's health;

22 (5) Humane killing means the destruction of an animal by
23 a method which causes the animal a minimum of pain and suffering;

1 (6) Law enforcement officer means any member of the
2 Nebraska State Patrol, any county or deputy sheriff, any member
3 of the police force of any city or village, or any other public
4 official authorized by a city or village to enforce state or
5 local animal control laws, rules, regulations, or ordinances.
6 Law enforcement officer also includes any inspector under the
7 Commercial Dog and Cat Operator Inspection Act to the extent that
8 such inspector may exercise the authority of a law enforcement
9 officer under section 28-1012 while in the course of performing
10 inspection activities under the Commercial Dog and Cat Operator
11 Inspection Act;

12 (7) Mutilation means intentionally causing permanent
13 injury, disfigurement, degradation of function, incapacitation,
14 or imperfection to an animal. Mutilation does not include conduct
15 performed by a veterinarian licensed under the Nebraska Veterinary
16 Practice Act or conduct that conforms to accepted veterinary
17 practices;

18 ~~(7)~~ (8) Police animal means a horse or dog owned or
19 controlled by the State of Nebraska for the purpose of assisting a
20 Nebraska state trooper in the performance of his or her official
21 enforcement duties; and

22 (9) Repeated beating means intentional successive strikes
23 to an animal by a person resulting in serious bodily injury or
24 death to the animal;

25 ~~(8)~~ (10) Serious injury or illness includes any injury
26 or illness to any animal which creates a substantial risk of death
27 or which causes broken bones, prolonged impairment of health, or

1 prolonged loss or impairment of the function of any bodily organ;
2 and-

3 (11) Torture means intentionally subjecting an animal to
4 extreme pain, suffering, or agony. Torture does not include conduct
5 performed by a veterinarian licensed under the Nebraska Veterinary
6 Practice Act or conduct that conforms to accepted veterinary
7 practices.

8 Sec. 3. (1) (a) Any person convicted of a Class IV felony
9 under section 28-1005 or 28-1009 shall not own, possess, or reside
10 with any animal for not less than fifteen years from the date of
11 conviction. Any person violating this subdivision shall be guilty
12 of a Class I misdemeanor.

13 (b) Any person convicted of a Class I misdemeanor under
14 subdivision (2) (a) of section 28-1009 or a Class III misdemeanor
15 under section 28-1010 shall not own, possess, or reside with any
16 animal for not less than five years from the date of conviction.
17 Any person violating this subdivision shall be guilty of a Class IV
18 misdemeanor.

19 (c) Any animal involved in a violation of subdivisions
20 (a) and (b) of this subsection shall be subject to seizure by law
21 enforcement.

22 (d) A court may extend the time restrictions for owning,
23 possessing, or residing with any animal under this subsection as
24 the court deems reasonable and necessary.

25 (2) The time restrictions in subdivisions (1) (a) and (b)
26 of this section shall not apply to any person convicted under
27 section 28-1005 or 28-1009 if a licensed physician confirms in

1 writing that ownership or possession of or residence with an animal
2 is essential to the health of such person.

3 Sec. 4. Section 28-1013, Revised Statutes Supplement,
4 2007, is amended to read:

5 28-1013 Sections 28-1008 to 28-1017 and section 3 of this
6 act shall not apply to:

7 (1) Care or treatment of an animal by a veterinarian
8 licensed under the Veterinary Medicine and Surgery Practice Act;

9 (2) Commonly accepted care or treatment of a police
10 animal by a law enforcement officer in the normal course of his or
11 her duties;

12 (3) Research activity carried on by any research facility
13 currently meeting the standards of the federal Animal Welfare Act,
14 7 U.S.C. 2131 et seq., as such act existed on January 1, 2003;

15 (4) Commonly accepted practices of hunting, fishing, or
16 trapping;

17 (5) Commonly accepted practices occurring in conjunction
18 with rodeos, animal racing, or pulling contests;

19 (6) Humane killing of an animal by the owner or by his or
20 her agent or a veterinarian upon the owner's request;

21 (7) Commonly accepted practices of animal husbandry with
22 respect to farm animals, including their transport from one
23 location to another and nonnegligent actions taken by personnel
24 or agents of the Nebraska Department of Agriculture or the United
25 States Department of Agriculture in the performance of duties
26 prescribed by law;

27 (8) Use of reasonable force against an animal, other than

1 a police animal, which is working, including killing, capture, or
2 restraint, if the animal is outside the owned or rented property
3 of its owner or custodian and is injuring or posing an immediate
4 threat to any person or other animal;

5 (9) Killing of house or garden pests;

6 (10) Commonly followed practices occurring in conjunction
7 with the slaughter of animals for food or byproducts; and

8 (11) Commonly accepted animal training practices.

9 Sec. 5. Section 28-1014, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 28-1014 Any city, village, or county may adopt and
12 promulgate rules, regulations, and ordinances which are not
13 inconsistent with the provisions of sections 28-1008 to 28-1017
14 and section 3 of this act for the protection of the public, public
15 health, and animals within its jurisdiction.

16 Sec. 6. Section 28-1015, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 28-1015 When an animal is owned by a minor child, the
19 parent of such minor child with whom the child resides or legal
20 guardian with whom the child resides shall be subject to the
21 penalties provided under sections 28-1008 to 28-1017 and section 3
22 of this act if the animal is abandoned or cruelly neglected.

23 Sec. 7. Section 28-1016, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 28-1016 Nothing in sections 28-1008 to 28-1017 and
26 section 3 of this act shall be construed as amending or changing
27 the authority of the Game and Parks Commission as established in

1 the Game Law or to prohibit any conduct authorized or permitted by
2 such law.

3 2. On page 10, line 9, after the comma insert "sections
4 28-1014, 28-1015, and 28-1016, Revised Statutes Cumulative
5 Supplement, 2006, and sections 28-101, 28-1008, and 28-1013,
6 Revised Statutes Supplement, 2007,".

7 3. Renumber the remaining sections and correct internal
8 references accordingly.